

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/15/2010 has been entered.

### ***Application and Claims Status***

2. Applicant's amendment(s) and response filed 03/15/2010 are acknowledged and entered.

3. Claims 1-37 were pending. Applicants have amended claims 1, 7, 11, and 23-25; cancelled claims 32-37. No claims were added. Therefore, claims 1-31 are currently pending. Claims 2-5, 8, 9, 12, 13, and 15-22 are drawn to non-elected species and/or inventions, wherein the election was made *with* traverse in the reply filed on 05/16/2007, and thus these claims remain withdrawn from further consideration by the examiner, 37 CFR 1.142(b), there being no allowable generic claim. Accordingly, claims 1, 6, 7, 10, 11, 14, and 23-31 are under consideration in this Office Action.

### ***Information Disclosure Statement***

4. The information disclosure statement (IDS) that was filed on 02/02/2010 has been reviewed, and the references that have been considered are initialed as recorded in PTO-1449 forms.

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***Status of Claim(s) Objection(s) and /or Rejection(s)***

5. All previous claims objection(s) and/or rejection(s) have been withdrawn in view applicant's amendments of claims 1, 7, 11, and 23-25 thereto.

***Allowable Subject Matter***

6. Claims 1, 6, 7, 10, 11, 14, 23-31 are allowable.

***Conclusion***

7. This application is in condition for allowance except for the following formal matters:

- a.** The cancellation of claims 2-5, 8, 9, 12, 13, and 15-22 that are directed to an invention non-elected with traverse in the reply filed on 05/16/2007. Moreover, the examiner has tried to contact the attorney of record (Eric J. Robinson) for the authorization in cancelling of these claims, which was unsuccessful. See Interview Summary.
- b.** The amendment of claims 6, 10, and 14 to depend on claims 1, 7, and 11, respectively, for they are objected to as an improper dependent claims since they depend on non-elected claims 2-5, 8, 9, 12, and 13 that result in a broken pendency chain. Moreover, the examiner has tried to contact the attorney of record (Eric J. Robinson) regarding this objection, which was unsuccessful. See Interview Summary.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

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A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MY-CHAU T. TRAN whose telephone number is 571-272-0810. The examiner can normally be reached on Monday: 8:00-2:30; Tuesday-Thursday: 7:30-5:00; Friday: 8:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MY-CHAU T. TRAN/  
Primary Examiner, Art Unit 2629

May 4, 2010